

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

GENERAL PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No.: MO-G840000

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

FACILITY DESCRIPTION

All Outfalls - SIC #1455 & 1459

Stormwater and dry weather discharges from clay mines and stockpiles.

This permit authorizes only wastewater, including storm waters, discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

July 13, 2004

Effective Date

Stephen M. Mahood, Director, Department of Natural Resources
Executive Secretary, Clean Water Commission

July 12, 2009

Expiration Date
MO 780-0041 (10-93)

Jim Hull, Director of Staff, Clean Water Commission

APPLICABILITY

1. This permit authorizes discharges from dewatering of clay pits and storm water runoff from mining sites and stockpiles of clay. For the purposes of this permit, a clay mine is defined as the open mining pit or strip, any sedimentation basins, topsoil, overburden and clay stockpile areas, loading and unloading areas, washing facilities, hauling roads and any other disturbed areas associated with the mining activity not otherwise covered by another permit.
2. This permit does not authorize the mining activity, only water discharges that result from the activity. A permit authorizing mining activities must be obtained from the Land Reclamation Program.
3. This permit applies only to discharges originating from the mining of clay and incidental materials associated with the mining of clay.
4. Setbacks: This permit does not apply to discharges within 100 feet of streams or wetlands, within 300 feet of waters that have been identified as losing streams, or a lake or reservoir used for public drinking water supplies, or within 1,000 feet of designated critical habitat for endangered species. Facilities with discharges located in these areas must apply for a site-specific permit.
5. This permit does not apply to facilities that would discharge to Outstanding National Scenic and State Resource Waters and drainages thereto, as defined in 10 CSR 20-7.015(6).
6. Facilities that are located within the watershed of the 303(d) listing of impaired waters will need to be evaluated, on a case-by-case basis, for inclusion under this general permit. Facilities that are found to be discharging the listed pollutant(s) of concern may be required to obtain a site-specific permit.
7. Holders of current site-specific State Operating Permits who desire to apply for inclusion under this general permit should contact the department for application requirements.
8. If at any time the permit holder for a clay mining operation should desire to apply for a site-specific State Operating Permit, the permit holder may do so.
9. The director may require any permittee authorized by a general permit to apply for and obtain an individual operating permit. Any interested person may petition the department to take action under this subsection. Cases where an individual operating permit may be required include, but are not limited to, the following:
 1. The discharge(s) is a significant contributor of pollution which impairs the beneficial uses of the receiving stream;
 2. The discharger is not in compliance with the conditions of the general operating permit;
 3. A Water Quality Management Plan (or Total Maximum Daily Load) containing requirements applicable to these point sources is approved.

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PERMIT NUMBER MO-G840000	
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The interim effluent limitations shall become effective upon issuance and remain in effect until three (3) years from the effective date of this permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	INTERIM EFFLUENT LIMITS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Storm Water Runoff</u> (Note 1)						
Flow	MGD	*		*	once/quarter	24 hr. estimate
Total Suspended Solids**	mg/L	*		*	once/quarter	grab
Settleable Solids**	ml/L/hr	1.5		1.0	once/quarter	grab
pH - Units	SU	***		***	once/quarter	grab
Oil and Grease	mg/L	15		10	once/quarter	grab
<u>Dry Weather Flows</u> (Notes 1 & 2)						
Flow	MGD	*		*	once/quarter	24 hr. estimate
Total Suspended Solids**	Mg/L	*		*	once/quarter	grab
Settleable Solids**	ml/L/hr	1.5		1.0	once/quarter	grab
pH - Units	SU	***		***	once/quarter	grab
Oil and Grease	Mg/L	15		10	once/quarter	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>October 28, 2005</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
STANDARD CONDITIONS						
IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED <u>Part I</u> STANDARD CONDITIONS DATED <u>October 1, 1980</u> , AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.						

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EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS					PERMIT NUMBER MO-G840000	
The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective three (3) years from the effective date of this permit and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:						
OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Storm Water Runoff</u> (Note 1)						
Flow	MGD	*		*	once/quarter	24 hr. estimate
Total Suspended Solids	mg/L	*		*	once/quarter	grab
Settleable Solids**	ml/L/hr	1.5		1.0	once/quarter	grab
pH - Units	SU	***		***	once/quarter	grab
Oil and Grease	mg/L	15		10	once/quarter	grab
<u>Dry Weather Flows</u> (Notes 1 & 2)						
Flow	MGD	*		*	once/quarter	24 hr. estimate
Total Suspended Solids**	mg/L	120		80	once/quarter	grab
Settleable Solids**	ml/L/hr	1.5		1.0	once/quarter	grab
pH - Units	SU	***		***	once/quarter	grab
Oil and Grease	mg/L	15		10	once/quarter	grab
MONITORING REPORTS SHALL BE SUBMITTED <u>ANNUALLY</u> ; THE FIRST REPORT IS DUE <u>October 28, 2005</u> . THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
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MO 780-0010 (8/91)

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- * Monitoring requirement only.
- ** An emergency exceedence of effluent limitations for Total Suspended Solids and Settleable Solids is authorized due to precipitation exceeding the 1-in-10-year, 365-day rainfall or the 25-year, 24-hour storm event. The burden of proof lies with the permit holder to document that the precipitation event occurred. This exemption from effluent limits does not apply to dry weather flows such as dewatering of pits.
- *** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.0-9.0 pH units.

Note 1 - Report as "no discharge" when discharge does not occur during the reporting period.

Note 2 - Dry weather discharges are those that do not occur as a direct result of precipitation, such as dewatering of pits or washing of equipment and vehicles. This permit does not authorize the discharge of waters with added detergents, acids, caustics, solvents, or other additives.

REQUIREMENTS

Note: These requirements do not supersede nor remove liability for compliance with county and other local ordinances.

1. Clay stockpiles, overburden and other residuals shall not be located within the 10-year flood plain or within 300 ft. of a losing stream as defined in the Water Quality Standards 10 CSR 20-7.031(1) (L) or where they may drain into an existing sinkhole or any other topographical feature that would be a direct conduit to groundwater. In the event that a sinkhole develops or a losing stream or sinkhole is discovered during mining operations, the permit holder shall have 30 days to comply with setbacks prescribed in this permit or begin reclamation of the facility.
2. Permittee shall provide sediment and erosion control sufficient to prevent or control pollution to waters of the state. This could include the use of straw bales, silt fences, sediment basins, or other structures as needed to comply with effluent limits.
3. All paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) shall be stored so that these materials are not exposed to storm water. Spill prevention, control, and/or management shall be provided sufficient to prevent any spills of these pollutants from entering a water of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater. Collection facilities shall be provided on-site, and arrangement made for proper disposal of these waste materials.
4. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage, and dispensers, including spill prevention, control and counter measures.
5. Water Quality Standards
 - (a) Discharges to waters of the state shall not cause a violation of water quality standards rule under 10 CSR 20-7.031, including both specific and general criteria.
 - (b) General Criteria. The following general water quality criteria shall be applicable to all waters of the state at all times including mixing zones. No water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:
 - (1) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses;
 - (2) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
 - (3) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
 - (4) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life;
 - (5) There shall be no significant human health hazard from incidental contact with the water;
 - (6) There shall be no acute toxicity to livestock or wildlife watering;
 - (7) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
 - (8) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.

REQUIREMENTS (continued)

6. This permit may be reopened and modified, or alternatively revoked and reissued, to:
- (a) Comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
 - (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (2) controls any pollutant not limited in the permit.
 - (b) Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
 - (c) Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.

7. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (1) One hundred micrograms per liter (100 ug/L);
 - (2) Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,5 dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
 - (3) Five (5) times the maximum concentration value reported for the pollutant in the permit application;
 - (4) The level established in Part A of the permit by the Director.
- (b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

8. Substances regulated by federal law under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that are transported, stored, or used for maintenance, cleaning or repair shall be managed according to the provisions of RCRA and CERCLA.
9. Good housekeeping practices shall be maintained on the site to keep solid waste from entering waters of the state.
10. Samples shall be collected prior to or at the property boundary or before the discharge enters waters of the state. All outfalls shall be clearly marked in the field or clearly identified on a map submitted to the department and kept on file at the mine/plant office. Outfall locations may be added or deleted by the permittee following notification to the department. Notification shall include a map identifying the added or deleted outfalls

REQUIREMENTS (continued)

11. Stormwater discharge monitoring is not required of areas stabilized by a durable non-erosive surface, such as hauling roads that are completely covered with gravel. Monitoring or further improvements may be required if department staff determine that the improvements are not adequate to protect water quality.
12. Permittee shall designate an individual as responsible for environmental matters at the facility who will serve as a contact for the department. Permittee shall notify the department in writing of a personnel change for this position. One individual may be the contact for multiple facilities so long as that person can effectively communicate with the department on every facility.
13. Permittee shall provide for inspection by facility staff, once per month, of all storm water pollution prevention structures, storm water and wastewater treatment structures, and of the facility in general to ensure that structures are properly maintained and effective, and that any Best Management Practices are continually implemented and effective. Inspections must be documented in the form of a written report or checklist. The reports must note any spills, leaks, or maintenance needs of any of the structures or practices. The reports must also describe action taken to correct or repair deficiencies. Areas of a facility that have been permanently or temporarily stabilized need only be inspected once per year. Monthly inspections shall continue if the stabilized area is re-disturbed for any reason. Written records of inspections must be kept readily available and shall be provided to the department upon request.
14. Permittee shall maintain records of all pumped discharges that enter surface waters of the state. These records must include an estimate of the volume, the date and time(s), and the location of each discharge.

PERMIT TRANSFER

This permit may be transferred to a new permittee by submitting an "Application for Transfer of Operating Permit" signed by the transferor and transferee of the facility, along with the appropriate modification fee.

PERMIT RENEWAL REQUIREMENTS

Unless this permit is terminated, the permittee shall submit an application for the renewal of this permit no later than six (6) months prior to the permit's expiration date.

TERMINATION OF PERMIT

This permit may be terminated when activities covered by this permit have ceased and no significant materials, including clay stockpiles, are stored in such a way as to cause the potential for pollution. If such a termination is sought, the permittee shall submit Form H, Termination of a General Permit.

DUTY OF COMPLIANCE

The permittee shall comply with all conditions of this general permit. Any noncompliance with this general permit constitutes a violation of Chapter 644, Missouri Clean Water Law, and 10 CSR 20-6.200. Noncompliance may result in enforcement action, termination of this authorization, or denial of the permittee's request for renewal.